



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

MAY 31 1996

935788

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED



Roger K. Fisher, Esq.  
Warten, Fisher, Lee & Brown  
430 Pearl Street  
P. O. Box 939  
Joplin, MO 64802

**Re: Tar Creek Superfund Site, Ottawa County, Oklahoma; Removal action to address remaining high access areas and residential areas; Childress Royalty Company, Inc.**

Dear Mr. Fisher:

This letter has two purposes. First, this is to inform Childress Royalty Company, Inc., (you) that the U.S. Environmental Protection Agency (EPA) is preparing to implement a removal action to address lead-contaminated soil in residential areas and in areas where children congregate (high access areas or HAAs) on the Tar Creek Superfund Site (Site) in Ottawa County, Oklahoma. Second this invites you to consider whether you may wish to conduct or pay for all or part of the removal action.

**The Removal Action**

On March 21, 1996, EPA issued an action memorandum (Action Memorandum) calling for a removal action to address lead-contaminated soil at contaminated HAAs (which were not addressed in the removal action which began in September 1995) and to address lead-contaminated soil in residential areas. A copy of the Action Memorandum is enclosed. The Action Memorandum also describes the various activities which have been undertaken to address contamination at the Site so far. As of the date of this letter, EPA has not initiated onsite removal activity under the Action Memorandum. Onsite removal activity is expected to begin in early summer 1996. The Action Memorandum fully describes the removal actions that will be taken at the Site.

**Our invitation to you**

In past letters to you concerning removal actions to address lead-contaminated soil at the Site, EPA has said that we anticipated that we may some day develop evidence that clearly linked your past operations to the contamination at the HAAs and the residential areas at the Site. So far this has not happened.

Nonetheless, you had extensive operations at the Site, and new information may some day come to EPA's attention which clearly links you to the area which is the target of this removal action. Accordingly we are offering you the opportunity to conduct or pay for the removal action. We are offering this opportunity because we are aware that private companies often have resources, such as trucks and excavation equipment, which allow them to undertake response actions in a cost-effective manner.

The EPA will not delay its own actions under the Action Memorandum, but EPA may consider allowing you to take over the removal action or parts of the removal action. If you would like further information, please contact Senior Attorney James E. Costello at the address and telephone number listed below.

Mr. James E. Costello (6SF-DL)  
Superfund Division  
U.S. Environmental Protection Agency Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733  
(214) 665-8045  
FAX (214) 665-7330

#### Administrative record


The Comprehensive Environmental Response, Compensation, and Liability Act requires EPA to establish an administrative record file that contains documents that may form a basis for the selection of a response action. The administrative record file, which contains the documents related to the removal action called for in the March 21, 1996, action memorandum, will be available to the public for inspection and comment no later than 60 days after initiation of EPA's onsite removal activity under the March 21, 1996, action memorandum. The administrative record file will be located in the Superfund file room at the EPA Region 6 offices at 1445 Ross Avenue, Dallas, Texas, and it will also be located at the Miami Public Library in Miami, Oklahoma. The address and telephone number of the Miami Public Library appear below. Once the administrative record is available, you may make an appointment to review the administrative record file at EPA Region 6 offices by calling or writing Mr. Noel Bennett at the address below. The administrative record file located at the Miami Public Library will be available for review during the Miami Public Library's business hours.

Mr. Noel Bennett (6SF-AO)  
Superfund Division  
U.S. Environmental Protection Agency Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

Miami Public Library  
200 N. Main  
Miami, Oklahoma 74354

If you or your attorney have any questions pertaining to this matter, please contact Mr. Costello.

Sincerely yours,

  
Myron O. Knudson, P.E.  
Director  
Superfund Division

Enclosure

cc: Mr. Mark Coleman, Executive Director  
Oklahoma Department of Environmental Quality

Ms. Monty Elder, Environmental Specialist Supervisor  
Oklahoma Department of Environmental Quality

Ms. Grace Goodeagle  
Quapaw Tribe of Oklahoma

Mr. Gary D. Uphoff  
Environmental Management Services Company

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Myron O. Knudson, P.E.  
Director  
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Enclosure

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Environmental Management Services Company

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6SF-AO	6SF-AO	6SF-A	6SF-DL	6SF-DL	6SF
Bennett	Stenger	Honker	Costello	Peycke	Buzzell

**TAR CREEK SUPERFUND SITE  
Ottawa County, Oklahoma**

**Re: List of addressees for EPA's May 31, 1996 Letters Regarding the  
Time Critical Removal Action to Address the Remaining High Access  
Areas and Residential Areas**

**For ASARCO Inc.:**  
Kevin J. McCaffrey, Esq.  
Assistant General Counsel  
ASARCO Inc.  
180 Maiden Lane  
New York, NY 10038

**For Blue Tee Corporation:**  
Mitchell H. Bernstein, Esq.  
Van Ness Feldman  
1050 Thomas Jefferson Street, N.W.  
Washington, D.C. 20007-3877

**For The Doe Run Resources Corporation:**  
Walter Nowotny, Jr.  
Secretary and General Counsel  
The Doe Run Company  
1801 Park 270 Drive, Suite 300  
St. Louis, Missouri 63146

**For Childress Royalty Company, Inc.:**  
Roger K. Fisher, Esq.  
Warten, Fisher, Lee & Brown  
430 Pearl Street+  
P.O. Box 939  
Joplin, Missouri 64802

**For Gold Fields Mining Corporation:**  
Mitchell H. Bernstein, Esq.  
Van Ness Feldman  
1050 Thomas Jefferson Street, N.W.  
Washington, D.C. 20007-3877

**For NL Industries, Inc.:**  
Lisa G. Esayian, Esq.  
Kirkland & Ellis  
200 E. Randolph Drive  
Suite 6100  
Chicago, IL 60601

**For the U.S. Department of the Interior:**  
Edward B. Cohen  
Deputy Solicitor  
U.S. Department of the Interior  
1849 C Street, N.W.  
Mail Stop 6352  
Washington, D.C. 20240